THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.26613 OF 2005

Dt.14.12.2005

Between:

K.Ramalakshmamma … Petitioner

And

The District Collector (Civil Supplies),

Anantapur District and 2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Pursuant to the notification dated 6.11.1997 for appointment of fair price shop dealership of Hanakanahal Village, Kanekal Mandal, Anantapur District, applications were filed by the petitioner as well as the 3rd respondent along with others before the last date on 24.11.1997 and interviews were conducted on 30.11.1997, but the 3rd respondent was appointed after lapse of six months after the interviews i.e., on 29.5.1998. However, aggrieved by the said order of appointing the 3rd respondent as permanent dealer, the petitioner filed an appeal before the Joint Collector, Anantapur and the appellate authority allowed the appeal on the ground that the

appointment of the dealership after six months of the interviews without verifying the character and antecedents of the 3rd respondent properly is in violation of the provisions of para 3 of G.O.Ms.No.198 dated 5.2.1996 and the belated appointment after a lapse of six months is not a healthy appointment as per the instructions issued by the Government and accordingly the order of the Revenue Divisional Officer dated 29.5.1998 appointing the 3rd respondent as fair price shop dealer for Shop No.II, Hanakanhal village is set aside and the Revenue Divisional Officer is directed to re-notify the vacancy afresh and fill up with eligible candidates by following the latest instructions issued by the Government. As against the said order dated 11.5.1999, the 3rd respondent filed a revision before the first respondent. It is stated that the petitioner also filed cross-objections in the said revision. The revisional authority dismissed the revision by order dated 22.10.2003 confirming the order of the Joint Collector dated 11.5.1999 and the Revenue Divisional Officer, Dharmavaram is directed to re-notify the vacancy afresh as per rules of reservation. Aggrieved by the same, this writ petition has been filed contending that there is no reference to the cross objections filed by the petitioner.

Whether cross objections have been filed by the petitioner or not, the fact remains that the revision was disposed of after hearing the registered society of Hanakanahal Ryot Union, Hanakanahal village and the revision petitioner. No material has been filed before this Court about the filing of cross objections. The petitioner has not filed any independent revision before the Collector/ revisional authority. However, I am of the opinion that the non-reference of the cross objections by the revisional authority cannot be said to be illegal and without jurisdiction or that no opportunity was given to the petitioner. The petitioner admittedly was not selected and the petitioner is only a temporary dealer. However, the petitioner cannot be allowed to question the order of the revisional authority after lapse of two years. The revisional authority passed the said order on 22.10.2003. When the notification is sought to be issued, the petitioner has chosen to

question the said order after lapse of two years. Therefore, the writ petition is liable to be dismissed on the ground of latches.

The writ petition is accordingly dismissed. No costs.

(V.ESWARAIAH, J.)

14.12.2005

kpr